

# EXHIBIT 13

DONNA WILSON - 2/6/2020

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<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION</p> <p>HARRIET LANE,            )                                   ) Plaintiff,                )                                   ) C.A. NO. 4:19-cv-00435 VS.                        )                                   ) SIEMENS ENERGY, INC., )                                   ) Defendant.                )</p> <p style="text-align: center;">***** ORAL DEPOSITION OF DONNA WILSON FEBRUARY 6, 2020 *****</p> <p>ORAL DEPOSITION OF DONNA WILSON, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on February 6, 2020, from 12:37 p.m. to 1:23 p.m., by machine shorthand before MICHELLE R. PROPPS, CSR, in and for the State of Texas, reported at the offices of BakerHostetler, 811 Main Street, Suite 1100, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated in the record or attached hereto.</p>	<p style="text-align: center;">INDEX</p> <table border="0"> <tr> <td style="text-align: right;">PAGE</td><td></td></tr> <tr> <td>Appearances.....</td><td>2</td></tr> <tr> <td>DONNA WILSON</td><td></td></tr> <tr> <td>Examination by Mr. Ashok Bail.....</td><td>4</td></tr> <tr> <td>Examination by Ashlee Grant.....</td><td>39</td></tr> <tr> <td>Changes and Signature.....</td><td></td></tr> <tr> <td></td><td>43</td></tr> <tr> <td>Reporter's Certification.....</td><td>45</td></tr> <tr> <td>EXHIBITS</td><td></td></tr> <tr> <td>EXHIBIT NO.      DESCRIPTION      PAGE</td><td></td></tr> <tr> <td>Exhibit 11    Type Meeting Notes (Bates Nos.                                  Siemens-Lane 00327-333).....</td><td>20</td></tr> <tr> <td>Exhibit 12    Inter-Office Correspondence                                  (Wilson to Lane) (Bates Nos.                                  Siemens-Lane 000066).....</td><td>30</td></tr> <tr> <td>PREVIOUSLY MARKED AND REFERRED TO EXHIBITS</td><td></td></tr> <tr> <td>Exhibits No. 1, 3 and 7</td><td></td></tr> </table>	PAGE		Appearances.....	2	DONNA WILSON		Examination by Mr. Ashok Bail.....	4	Examination by Ashlee Grant.....	39	Changes and Signature.....			43	Reporter's Certification.....	45	EXHIBITS		EXHIBIT NO.      DESCRIPTION      PAGE		Exhibit 11    Type Meeting Notes (Bates Nos. Siemens-Lane 00327-333).....	20	Exhibit 12    Inter-Office Correspondence (Wilson to Lane) (Bates Nos. Siemens-Lane 000066).....	30	PREVIOUSLY MARKED AND REFERRED TO EXHIBITS		Exhibits No. 1, 3 and 7	
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<p style="text-align: center;">A P P E A R A N C E S</p> <p>FOR THE PLAINTIFF:</p> <p>MR. ASHOK BAIL The Bail Law Firm 3120 Southwest Freeway, Suite 450 Houston, Texas 77098 Tel: 832.216.6693 Fax: 832.263.0616 Email: ashok@baillawfirm.com</p> <p>FOR THE DEFENDANT:</p> <p>MS. ASHLEE GRANT BakerHostetler LLP 811 Main Street, Suite 1100 Houston, Texas 77002-6111 Tel: 713.646.1316 Fax: 713.751.1717 Email: agrant@bakerlaw.com</p> <p style="text-align: center;">*****</p>	<p>DONNA WILSON, having been first duly sworn, testified as follows:</p> <p style="text-align: center;">E X A M I N A T I O N</p> <p>QUESTIONS BY MR. ASHOK BAIL:</p> <p>Q.    Ms. Wilson, could you please state your full name and spell it out for the Court.</p> <p>A.    Donna Elizabeth Wilson. D-O-N-N-A. E-L-I-Z-A-B-E-T-H. W-I-L-S-O-N.</p> <p>Q.    Thank you, Donna -- Ms. Wilson. Do you prefer me to call you Ms. Wilson or Donna?</p> <p>A.    Donna is fine.</p> <p>Q.    Donna, have you ever had your deposition taken before?</p> <p>A.    No.</p> <p>Q.    Just a couple of guidelines that we can adhere to and make the whole process easier.</p> <p>A.    Okay.</p> <p>Q.    One is make sure you wait for me to finish asking my question before you answer. And then, likewise, I'll wait for you to finish your response before I ask you another question or we'll just start running over each other. Because a lot of times, you may want to respond because you already know the answer, but just wait for me to finish.</p>																												

1 (Pages 1 to 4)

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<p>1 A. Okay.</p> <p>2 Q. If there's anything that -- if it's a</p> <p>3 question that you don't understand, ask me to</p> <p>4 rephrase it and I'll do my best to put it in a</p> <p>5 fashion to where you understand it. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. Also, it's very important to make sure</p> <p>8 you do verbal responses. Shaking heads and nodding</p> <p>9 won't be transcribed by her. Okay?</p> <p>10 A. Okay. Yes.</p> <p>11 Q. All right. Can you -- it's a weird</p> <p>12 question, but can you identify your race for the</p> <p>13 record?</p> <p>14 A. Caucasian.</p> <p>15 Q. Okay. And have you taken any</p> <p>16 medications today that would prevent you from</p> <p>17 testifying truthfully?</p> <p>18 A. No.</p> <p>19 Q. Okay. And you understand that you're</p> <p>20 under oath.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And prior to attending today's</p> <p>23 deposition, did you review anything?</p> <p>24 A. No.</p> <p>25 Q. Okay. Did you speak to anybody in</p>	<p>1 THE WITNESS: I guess not.</p> <p>2 Q. (By Mr. Bail) All right. How long have</p> <p>3 you worked for Siemens?</p> <p>4 A. Thirty-four years.</p> <p>5 Q. Nice. Well, gosh, I didn't expect that.</p> <p>6 Could you tell me your experience -- I mean, your</p> <p>7 different positions you've held at Siemens for those</p> <p>8 past --</p> <p>9 A. Thirty-four years?</p> <p>10 Q. Let's do the last ten years.</p> <p>11 A. Okay.</p> <p>12 Q. Yeah.</p> <p>13 A. So let's see. The past ten years, I've</p> <p>14 been in Texas. I worked for Siemens Healthcare.</p> <p>15 And then for the past -- I worked for them for eight</p> <p>16 years. And then I went from Siemens Healthcare in</p> <p>17 Texas to Siemens Energy in Texas, here in Houston.</p> <p>18 Q. So the last two years, you've been --</p> <p>19 A. Well, it was eight years with Siemens</p> <p>20 Healthcare in Houston and then eight years with</p> <p>21 Siemens Energy. I'm no longer working with Siemens</p> <p>22 Energy.</p> <p>23 Q. Ah, that's right. That's right. You</p> <p>24 recently --</p> <p>25 A. I left in August, August 30th of last</p>
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<p>1 regards to your testimony that you're giving today?</p> <p>2 A. I spoke to Ashlee.</p> <p>3 Q. Okay. Besides Ashlee.</p> <p>4 A. Oh. No.</p> <p>5 Q. Okay. No other former employees?</p> <p>6 A. I spoke to one that knows I'm coming</p> <p>7 here.</p> <p>8 Q. Who is that?</p> <p>9 A. Carrie Janak. She does not work for</p> <p>10 Siemens anymore, though.</p> <p>11 Q. Oh, okay. But you haven't spoken to any</p> <p>12 other current Siemens employees about your coming</p> <p>13 here to testify. Correct?</p> <p>14 A. I spoke to one other person who was one</p> <p>15 of my peers, Amy Barr.</p> <p>16 Q. Okay. Great. And your accent, are you</p> <p>17 from Boston?</p> <p>18 A. I am from Boston, yes.</p> <p>19 Q. I just wanted to see if I was good with</p> <p>20 that.</p> <p>21 A. Very good. I've been here 20 years,</p> <p>22 but...</p> <p>23 Q. All right. Cool.</p> <p>24 MS. GRANT: You can't shake the</p> <p>25 accent.</p>	<p>1 year.</p> <p>2 Q. Okay. So during the time period of</p> <p>3 2016, 2017, what position did you hold?</p> <p>4 A. I was head of commercial -- commercial</p> <p>5 project management and head of commercial sales.</p> <p>6 First I was head of commercial sales, probably, for</p> <p>7 that time period.</p> <p>8 Q. Okay. At some point during your career</p> <p>9 with Siemens, you supervised my client, Harriet</p> <p>10 Lane. Correct?</p> <p>11 A. Yes.</p> <p>12 Q. During the time period that you</p> <p>13 supervised her, were you the head of -- what was it?</p> <p>14 A. Commercial sales.</p> <p>15 Q. Commercial sales.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. If you could pull those documents</p> <p>18 close to you, I'm going to be asking you questions</p> <p>19 from some of them.</p> <p>20 I'll ask you to turn now -- in the</p> <p>21 bottom right-hand corner, you'll see numbers.</p> <p>22 A. Uh-huh.</p> <p>23 Q. If you could turn -- go to Exhibit No.</p> <p>24 7. It's a chart. It looks like this.</p> <p>25 (Indicating.)</p>

2 (Pages 5 to 8)

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<p>1 A. Okay.</p> <p>2 Q. This is a document that was given to me</p> <p>3 by Siemens' counsel.</p> <p>4 A. Okay.</p> <p>5 Q. Could you take a minute to take a look</p> <p>6 at that and let me know when you're finished?</p> <p>7 A. Yes. Okay.</p> <p>8 Q. Okay. Does this document accurately</p> <p>9 reflect who you were supervising?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Is it -- were you -- is it</p> <p>12 missing anybody?</p> <p>13 A. No. I mean, I don't really remember the</p> <p>14 time frames of when people have come and gone from</p> <p>15 the department.</p> <p>16 Q. Okay.</p> <p>17 A. But, no. I mean, Samantha, Carrie and</p> <p>18 Harriet. Yeah.</p> <p>19 Q. Prior to you becoming Harriet's</p> <p>20 supervisor, did you have any other encounters with</p> <p>21 Harriet?</p> <p>22 A. No.</p> <p>23 Q. Did you know who she was?</p> <p>24 A. Yes, I knew who she was. I knew who she</p> <p>25 was, yes.</p>	<p>1 you're done. Actually, let's -- just No. 11 and</p> <p>2 No. 12.</p> <p>3 A. Oh, these two?</p> <p>4 Q. Yeah.</p> <p>5 A. Okay.</p> <p>6 (Document review.)</p> <p>7 A. To this part here? Just to No. 13?</p> <p>8 Q. (By Mr. Bail) Yeah. You don't have</p> <p>9 to -- yeah. You don't need to look at 13.</p> <p>10 A. Okay.</p> <p>11 Q. If you could flip back to Page 15 and</p> <p>12 take a look at Interrogatory No. 11 towards the</p> <p>13 bottom.</p> <p>14 A. Uh-huh.</p> <p>15 Q. You see where it says "Donna Wilson and</p> <p>16 Bill Piatt made the decision to eliminate</p> <p>17 plaintiff's position and to terminate plaintiff's</p> <p>18 employment as part of a reduction in force after</p> <p>19 they were instructed to reduce the head count of the</p> <p>20 quality department."</p> <p>21 Is that true?</p> <p>22 A. We don't make the sole decision. We</p> <p>23 make the recommendation or we provide the analysis</p> <p>24 to the management and HR.</p> <p>25 Q. Okay.</p>
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<p>1 Q. Okay. How did you know who she was?</p> <p>2 A. She was in the office. She -- I knew</p> <p>3 she did audit. I'm trying to -- I don't remember if</p> <p>4 she ever audited one of the processes in my</p> <p>5 department. But our office was relatively small --</p> <p>6 Q. Okay.</p> <p>7 A. -- so that's how I knew who she was.</p> <p>8 Q. All right. And do you know who Bill</p> <p>9 Piatt is?</p> <p>10 A. Yes.</p> <p>11 Q. And at some point, you were working with</p> <p>12 Bill Piatt in regards to Harriet Lane. Correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. We're going to get to that. But</p> <p>15 what I'd like for you to do -- let's see here. If</p> <p>16 you can go to the -- the first document. It's No. 1</p> <p>17 at the beginning.</p> <p>18 Have you seen this document or</p> <p>19 something similar to it in regards to this case?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 A. No.</p> <p>23 Q. Could you please turn to Page 11 -- I</p> <p>24 mean 15. Sorry. And if you could read -- if you</p> <p>25 could review Pages 15 and 16 and let me know when</p>	<p>1 A. And then they review and approve it.</p> <p>2 Q. Okay.</p> <p>3 A. And then they probably have additional</p> <p>4 approvals.</p> <p>5 Q. So -- but --</p> <p>6 A. We did the justification.</p> <p>7 Q. You and Bill.</p> <p>8 A. Uh-huh.</p> <p>9 Q. So you and Bill made the recommendation</p> <p>10 and then they can do whatever the heck they want</p> <p>11 with it after that. Right? Pretty much. That's a</p> <p>12 slang word, but --</p> <p>13 A. Yes, yes.</p> <p>14 Q. So it's fair to say Bill and you made</p> <p>15 the recommendation to terminate my client. Correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And it says also here as part --</p> <p>18 it says "to terminate employee's employment as part</p> <p>19 of the reduction in force after they were instructed</p> <p>20 to reduce the head count in the quality department."</p> <p>21 Who instructed you to reduce the</p> <p>22 head count in the quality department?</p> <p>23 A. No one instructed me to reduce the head</p> <p>24 count in the quality department. They would ask us</p> <p>25 to review all departments --</p>

3 (Pages 9 to 12)

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<p>1 Q. Okay.</p> <p>2 A. -- and your workload. And we always</p> <p>3 would do that. So we would look at the -- not just</p> <p>4 the quality department. We would look at project</p> <p>5 management and we would look at my -- the commercial</p> <p>6 sales department.</p> <p>7 Q. Is that --</p> <p>8 A. It's not -- it's not, like, look at an</p> <p>9 isolated department.</p> <p>10 Q. Huh. So how did you go about -- I mean,</p> <p>11 who instructed you to reduce the head count, if</p> <p>12 anybody? Nobody?</p> <p>13 A. Senior management always asked us to</p> <p>14 review our head count.</p> <p>15 Q. Okay.</p> <p>16 A. It's on an ongoing basis. And I don't</p> <p>17 remember if there was a specific instruction at a</p> <p>18 specific date that says you must reduce the head</p> <p>19 count.</p> <p>20 Q. Okay. So you're just saying as a part</p> <p>21 of your normal scope of job duties, it would have</p> <p>22 been something that you would look at in each</p> <p>23 department that you work with?</p> <p>24 A. Yes.</p> <p>25 Q. So what departments were you working</p>	<p>1 A. We were definitely working together.</p> <p>2 Q. When's -- when's the last time you spoke</p> <p>3 to Bill Piatt?</p> <p>4 A. Probably August 30th, my last day.</p> <p>5 Q. Ah, okay.</p> <p>6 A. I spoke to a lot of people on my last</p> <p>7 day.</p> <p>8 Q. Sure. Well, how was your working</p> <p>9 relationship with Bill?</p> <p>10 A. It was -- it was good. Uh-huh.</p> <p>11 Q. Okay. Were you involved with reducing</p> <p>12 Harriet Lane's work responsibilities in any fashion?</p> <p>13 A. Not that I recall, no.</p> <p>14 Q. Okay. Do you recall what her position</p> <p>15 was at the time period that you were managing her?</p> <p>16 A. I would say auditor, but I'm not a</p> <p>17 hundred percent sure.</p> <p>18 Q. Okay. Your position title has probably</p> <p>19 changed hundreds of times probably. Right?</p> <p>20 A. Yes, yes, yes.</p> <p>21 Q. Do you know why that is?</p> <p>22 A. Siemens has -- Siemens has changed the</p> <p>23 job categories many times and so what they were</p> <p>24 trying to do is so you can go from company to</p> <p>25 company -- like I said, I was in healthcare, then I</p>
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<p>1 with at the time that you would analyze in such a</p> <p>2 fashion?</p> <p>3 A. It would be just the three that I had.</p> <p>4 Q. Okay.</p> <p>5 A. So it would be --</p> <p>6 Q. Which ones were they?</p> <p>7 A. Carrie, Samantha and then Harriet.</p> <p>8 Q. All right. Why was Bill involved with</p> <p>9 it?</p> <p>10 A. Bill was -- I knew nothing about audit</p> <p>11 when Harriet became my employee. And I worked with</p> <p>12 Bill and Harriet. We all worked together because of</p> <p>13 my lack of knowledge of the audit functions. So</p> <p>14 Bill had the expertise.</p> <p>15 Q. Okay. So you relied on Bill</p> <p>16 significantly in dealing with Harriet. Correct?</p> <p>17 A. I was learning -- yes. Initially, yes.</p> <p>18 And I was learning the audit function, the</p> <p>19 requirements, but Bill -- again, Bill knew much more</p> <p>20 than I did.</p> <p>21 Q. So almost like he was helping you</p> <p>22 supervise her at some point.</p> <p>23 A. At some point we were -- we were working</p> <p>24 together, yes.</p> <p>25 Q. Okay.</p>	<p>1 went to energy. They have categories that may be</p> <p>2 called contracts, but they have, like, a job family,</p> <p>3 so -- but then they have individual</p> <p>4 responsibilities. So you might be in a category of</p> <p>5 contract manager, but you might do multiple</p> <p>6 functions. You could go to healthcare, from</p> <p>7 healthcare to communications as contract manager, as</p> <p>8 a job category, but the actual of what you're</p> <p>9 working may be something different. So they may</p> <p>10 say, Okay, you're a commercial sales manager.</p> <p>11 Q. Okay.</p> <p>12 A. So it's -- it's just because we changed</p> <p>13 our HR systems frequently. And the job families,</p> <p>14 they always try to bundle them up, like an analyst,</p> <p>15 a financial analyst could be multitude of</p> <p>16 different --</p> <p>17 Q. Names.</p> <p>18 A. -- names, yeah.</p> <p>19 Q. Okay. Interesting.</p> <p>20 A. Yeah.</p> <p>21 Q. And you were aware that my client went</p> <p>22 on FMLA leave. Correct? Right?</p> <p>23 A. Yes.</p> <p>24 Q. Isn't it true that you started</p> <p>25 supervising her right after she came back from</p>

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1 leave? Correct?

2 A. Her manager left the company when she

3 was on leave.

4 Q. Yeah.

5 A. So that's when I became her manager.

6 Q. Okay.

7 A. So --

8 Q. Yeah.

9 A. -- technically, I guess, I was her

10 manager when she was on leave.

11 Q. I guess. It just depends.

12 A. Yeah.

13 Q. Okay. But you were definitely her

14 manager when she got back.

15 A. I was definitely her manager when she

16 got back, yes.

17 Q. And were you aware that she was given a

18 written warning when she returned? Let's see. You

19 can just flip to Exhibit No. 5.

20 A. Yes.

21 Q. You see that?

22 A. Yes, I was aware of this.

23 Q. Okay.

24 A. Yes, I saw -- I had seen this.

25 Q. Okay. And then also if you flip to

Page 18

1 No. 6, that is the -- performance improvement plan?

2 Yes. You're aware of this document as well?

3 A. Yes.

4 Q. And the top of No. 6, it says it has

5 your name up there, finance manager. Correct?

6 A. Oh, so finance manager. Yeah.

7 Q. You didn't author this document, did

8 you?

9 A. No.

10 Q. It was Linda Hubbard, to your

11 understanding?

12 A. Yes, to my understanding.

13 Q. And most the items in this document, you

14 didn't have any firsthand knowledge of. Right?

15 A. No.

16 Q. So you're just -- a lot of what you knew

17 about Harriet at that time was based upon what other

18 people told you. Correct?

19 A. Yes. And my -- I mean, I had worked

20 with her periodically. You know, I knew her from

21 the office.

22 Q. Right. But I'm pretty certain Bill

23 Piatt gave you his opinion about her and working

24 with her when he was working with you while she was

25 gone. Correct?

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1 A. Yes.

2 Q. Okay. Did he -- do you recall what he

3 said about Harriet?

4 A. I -- I don't really recall.

5 Q. It was pretty negative, would you say?

6 MS. GRANT: Objection; form.

7 You can answer.

8 A. I don't really recall.

9 Q. (By Mr. Bail) You don't remember?

10 A. No, I really don't.

11 Q. Okay. And are you aware at some point

12 that Harriet claimed that you were discriminating

13 against her or bullying her?

14 A. Not -- not really, no. I -- I don't

15 think I'm aware that she ever said I was bullying

16 her or discriminating against her.

17 Q. Let me show you -- take a look at these

18 entries and let me know if you're the author of this

19 document.

20 A. Yeah.

21 Q. Okay. Can you identify for the Court

22 what that document is?

23 A. I -- I think this was my notes from my

24 meetings with Harriet.

25 Q. Okay. Great.

Page 20

1 MR. BAIL: Can you put this sticker

2 on the bottom?

3 MS. GRANT: Uh-huh.

4 (Exhibit No. 11 marked.)

5 Q. (By Mr. Bail) Great. So Exhibit No. 11

6 is your notes with Harriet.

7 What made you decide to take these

8 notes?

9 A. I believe HR had asked me to keep track

10 of our meetings.

11 Q. Okay. If you could turn -- we're going

12 to go from the last -- second-to-the-last page to

13 the first page. So if you turn to Page 332 at the

14 bottom.

15 A. Okay. Uh-huh.

16 Q. And that one -- okay. So you made an

17 entry on Monday, May 22nd, 2017. Correct?

18 A. That's what it says, yes.

19 Q. Yeah. And it says here that there was a

20 meeting -- go ahead. You were about to say

21 something.

22 A. This looks like a -- is it an email?

23 Q. Yeah.

24 A. Okay. Sorry.

25 Q. So is it fair to say what we're looking

5 (Pages 17 to 20)

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<p>1 at on Page 332 is an email from you to Linda 2 Hubbard? 3 A. Yes. That's what this looks like, yes. 4 Q. Okay. And you're discussing a meeting 5 that was attended by Lane, Hubbard, yourself, Hols 6 and Shipley. Correct? 7 A. Okay. Yes, yes. 8 Q. Do you remember this meeting? 9 A. Yes. Yes, I remember -- I remember 10 meeting. 11 Q. So the main point of this meeting, is it 12 fair to say, was to let Harriet know that she's now 13 on a performance improvement plan? 14 A. Yes. 15 Q. Okay. If we could turn to Page 331. 16 And it says "Meeting Wednesday May 24th, 2017." 17 You see that? 18 A. Yes. Uh-huh, yes. 19 Q. If you go to the third paragraph down 20 and the second sentence, it says "She felt the PIP 21 was not fair because she was technically not late of 22 her expense report and has not had any behavior 23 issues in the past. She got very upset and agitated 24 at Linda over the letter and the PIP." 25 What did she -- you said she was</p>	<p>1 Bill and myself to go over the goals outlined by 2 Melissa." 3 What goals do you recall being 4 outlined by Melissa? What were they about? 5 A. No. I don't do audit. I don't know. I 6 don't remember. 7 Q. Okay. And Melissa who? 8 A. Melissa King, who was her previous -- 9 Q. Supervisor. 10 A. -- supervisor, yes. 11 Q. And you said "Decided to keep all goals 12 related to audit and remove two goals related to 13 IMS." 14 So was that meaning removing two 15 goals that Harriet was working on and give them to 16 somebody else? 17 A. I don't remember. 18 Q. Okay. 19 A. And I don't even remember what IMS 20 stands for. 21 Q. Understood. 22 A. Yeah. 23 Q. You know, if I had quit, I would just -- 24 everything out of my -- I resigned, everything would 25 be out of my brain and I'd be moving on, so I --</p>
Page 22	Page 24
<p>1 agitated. Do you remember this? 2 A. I -- I don't remember. 3 Q. Okay. If -- 4 A. Maybe -- I don't know. She might have 5 been fidgety or -- 6 Q. But for the most part, were your 7 meetings with her cordial? 8 A. Yes, yes. For the most part. 9 Q. Because just -- if you look at the next 10 entry right there at the bottom, you said "Overall 11 the meeting was cordial" for May 25th. Correct? 12 A. May 25th. 13 Q. Yeah, at the bottom. 14 A. Yes, yes. I mean, it wasn't a good 15 situation, so... 16 Q. I know. It was a difficult situation. 17 A. Yeah. 18 Q. I understand. How did you feel about 19 being in that situation? 20 A. I was not happy. 21 Q. Yeah. 22 A. I mean, I was not happy about being put 23 in that situation. 24 Q. Right. I imagine. Let's talk about the 25 entries on May 25th. You say "Meeting with Harriet,</p>	<p>1 unfortunately, I have to ask you these questions. 2 A. I understand. I understand. 3 Q. So "Bill will transfer over to the EHS 4 procurement and two other to Harriet." 5 What does that mean? Third line. 6 Third sentence. 7 A. Yes, I see it. I don't know what that 8 means. 9 Q. Okay. Let's go to the next page, 330. 10 And let's go from the bottom up. 11 A. Okay. 12 Q. So if we try -- June 2nd, 2017, you 13 state in the first line, second sentence "Overall, 14 it was a good meeting." 15 A. Uh-huh. 16 Q. Now, if you look at the second paragraph 17 you state "She did mention that she still has" -- 18 "feels harassed and not comfortable with Mark, 19 Patrik and Bill, as she does not want to do the 20 presentation from her trip to Germany." 21 A. Yes. 22 Q. Can you explain a little bit about that, 23 if you recall? 24 A. Yes. She went to Germany for 25 training -- and I don't remember specifics of the</p>

6 (Pages 21 to 24)



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Page 25	Page 27
<p>1 training. But we had asked her, when she came back,</p> <p>2 to present to us what she learned.</p> <p>3 Q. Okay.</p> <p>4 A. And she said she didn't want to present</p> <p>5 to Mark and Patrik and Bill.</p> <p>6 Q. Did you go into any more detail as to</p> <p>7 why she didn't want to? Did she tell you?</p> <p>8 A. Well, I say here that she feels</p> <p>9 harassed --</p> <p>10 Q. Okay.</p> <p>11 A. -- and is uncomfortable.</p> <p>12 Q. So that's what she told you?</p> <p>13 A. Yeah.</p> <p>14 Q. Gotcha. Okay. Let's go to June 23rd,</p> <p>15 2017, on the top, you do -- you indicate "Overall</p> <p>16 positive meeting, no issues." Right?</p> <p>17 A. Uh-huh. Yes.</p> <p>18 Q. And this is -- are you asked to do these</p> <p>19 notes like the way you are because she's on a PIP</p> <p>20 and HR wants you to keep track of her behavior and</p> <p>21 performance for the PIP? Is that why this is all</p> <p>22 being done?</p> <p>23 A. I don't remember why I was specifically</p> <p>24 doing the notes. But, one, it was to remember what</p> <p>25 our meetings -- what we went over in our meetings</p>	<p>1 page and you'll see.</p> <p>2 A. Yes, yes. Yep.</p> <p>3 Q. So let's go to page -- stay on Page 329.</p> <p>4 There's a pretty long entry. This is coming from</p> <p>5 the previous page. It will be July 7th, 2017 starts</p> <p>6 on Page 328 and continues onto Page 329.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So if you go to look at Page 329</p> <p>9 and count up one, two, three, four -- four</p> <p>10 paragraphs. And it starts with "She said" -- "she</p> <p>11 said."</p> <p>12 Do you see it?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. It says "She said this is</p> <p>15 discrimination, retaliation that we are forcing her</p> <p>16 to use all her PTO. I explained again we are asking</p> <p>17 her to follow policy."</p> <p>18 Do you recall her making that</p> <p>19 statement?</p> <p>20 A. Yes, yes.</p> <p>21 Q. So at some point, she's accusing you of</p> <p>22 being discriminatory to her; is that correct?</p> <p>23 A. I didn't -- I don't feel like it was at</p> <p>24 me. I felt like it was the company.</p> <p>25 Q. Okay.</p>
Page 26	Page 28
<p>1 and just -- I guess that's probably why. I mean, I</p> <p>2 don't know -- I don't know if this even had</p> <p>3 information pertaining to all of the -- what was in</p> <p>4 the PIP.</p> <p>5 Q. On the PIP, yeah.</p> <p>6 A. I think it was more of just for me to</p> <p>7 kind of keep track of the progression --</p> <p>8 Q. How she's doing.</p> <p>9 A. -- and how she's doing.</p> <p>10 Q. Were you keeping -- were you asked to</p> <p>11 keep notes like this on any of your other</p> <p>12 subordinates?</p> <p>13 A. No. I do periodically keep notes on --</p> <p>14 but, no, not to this...</p> <p>15 Q. Okay.</p> <p>16 A. I wasn't meeting with anyone else</p> <p>17 weekly.</p> <p>18 Q. Just her. Now, if we turn to the next</p> <p>19 page, 329, the bottom entry is June 30, 2017.</p> <p>20 Correct?</p> <p>21 A. Yes.</p> <p>22 Q. And that paragraph starts here and it</p> <p>23 goes on to the next page. And at the end you say</p> <p>24 "Overall positive meeting. No issues," as of</p> <p>25 June 30th, 2017; is that correct? Here, flip the</p>	<p>1 A. I didn't feel like she was saying, You</p> <p>2 are discriminating against me.</p> <p>3 Q. It was more Bill Piatt, wouldn't you</p> <p>4 say?</p> <p>5 MS. GRANT: Objection; form.</p> <p>6 Q. (By Mr. Bail) You can answer. Is it</p> <p>7 Bill that she was --</p> <p>8 A. No, no. I don't even know if Bill knew</p> <p>9 about this.</p> <p>10 Q. Uh-huh. About this specific issue.</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. But it's fair to say you had to</p> <p>13 rely a lot on Bill because you were new to all this.</p> <p>14 Correct?</p> <p>15 A. Not anything regarding this.</p> <p>16 Q. What is "this"?</p> <p>17 A. This --</p> <p>18 Q. PTO issue.</p> <p>19 A. The PTO.</p> <p>20 Q. Okay. But dealing with audits, that's</p> <p>21 where you had to rely on Bill, because that wasn't</p> <p>22 your --</p> <p>23 A. The duties.</p> <p>24 Q. The duties.</p> <p>25 A. Yes, yes.</p>

7 (Pages 25 to 28)



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Page 29	Page 31
<p>1 Q. Gotcha. And he was the one that 2 recommended termination -- right? -- to you. 3 MS. GRANT: Objection; form. 4 Q. (By Mr. Bail) To you. Bill Piatt, did 5 he recommend that my client be terminated? 6 A. He didn't recommend that she be 7 terminated. He did the analysis. 8 Q. Okay. So the termination was based 9 partly on his analysis. Correct? 10 A. Yes. Yes. 11 Q. All right. And how many employees have 12 you -- strike that. 13 While you were employed by Siemens, 14 how many employees have you participated with PIPs 15 with -- worked on PIPs with them? 16 A. In my 34 years, I cannot remember. 17 Q. Okay. So that's a good amount then. 18 A. No, no. No, it is not a lot. No. 19 Q. Maybe a handful? 20 A. Maybe -- yeah, a handful. 21 Q. Okay. All right. Well, in this 22 particular case, it's true that ultimately Harriet 23 passed -- right? -- her PIP. 24 A. Yes, yes. 25 Q. And if you could -- let's see here.</p>	<p>1 the decision. So on this particular -- like, a 2 manager above you, like Hols or somebody else. But 3 in this situation, who made the decision to take her 4 off the PIP? 5 A. I mean, I -- I probably did in 6 conjunction with HR. 7 Q. Okay. 8 A. I mean, if she met all the PIP 9 requirements, there's no need for her to be on a PIP 10 anymore, you know. Yeah. 11 Q. But that was your decision? 12 A. Probably. 13 Q. Probably, okay. 14 A. Yeah. 15 Q. And why did you resign from Siemens? 16 A. I retired. Thirty-four years, lots of 17 changes in the company, Siemens made a decision to, 18 kind of, sell off the oil and gas business or 19 separate the oil and gas business. 20 Q. Are you enjoying retirement? 21 A. I am. 22 Q. Wonderful. 23 A. How can you not? 24 Q. Okay. I'm almost finished here. 25 Are you aware if an employee is</p>
Page 30	Page 32
<p>1 (Exhibit No. 12 marked.) 2 Q. (By Mr. Bail) If you could take a look 3 at that document and let me know when you're 4 finished reviewing it. 5 MR. BAIL: I'm trying to find you a 6 copy. 7 MS. GRANT: It's fine. I've seen 8 it. 9 (Document review.) 10 Q. (By Mr. Bail) So have you had a chance 11 to review that document? 12 A. Yes. 13 Q. What is it? 14 A. This is the removal of the performance 15 improvement plan. 16 Q. Okay. And your signature is on that 17 document as well? 18 A. Yes, my signature is on the document. 19 Q. Okay. And did you make the decision to 20 remove her or did you make a recommendation? 21 A. I don't -- 22 Q. You don't know? 23 A. I don't know the -- I don't understand. 24 Q. Earlier, you said sometimes after you 25 make a recommendation, then somebody above you makes</p>	<p>1 allowed to look for job opportunities within Siemens 2 if they are on a PIP? 3 A. I believe an employee can look. I don't 4 know if an employee can be transferred. 5 Q. Ah, okay. Did you ever discuss with 6 Harriet that there was some type of analysis going 7 on about the head count in the departments that you 8 were supervising? 9 A. Probably not. 10 Q. Okay. Is it -- in the past, have you 11 informed employees that are under you that the 12 company is taking a look and there might be -- at 13 laying off individuals prior to the layoff? 14 A. Probably, in a general sense, the 15 employees know that that's what happens because we 16 have lay-offs, so -- but I would not specifically 17 say to an employee, We're looking at your position 18 and reviewing it. 19 Q. Gotcha. 20 A. I mean, it's a departmental, typically, 21 thing. 22 Q. Okay. At the time period that Harriet's 23 position was being reviewed, I asked you earlier 24 who -- who directed you. And you testified that 25 it's something that you do ongoing; is that correct?</p>

8 (Pages 29 to 32)

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Page 33	Page 35
<p>1 A. Yes.</p> <p>2 Q. Okay. So even though it's ongoing, who</p> <p>3 kind of initiated the analysis? Was it you or Bill?</p> <p>4 A. Bill would have.</p> <p>5 Q. Okay. So as an ongoing thing, he was</p> <p>6 the idea to, Hey, let's just take a look at it now</p> <p>7 and see if we can put -- take a look at whatever</p> <p>8 department you and Bill were working at and decide</p> <p>9 whether or not to let go of certain people?</p> <p>10 A. Yes. Patrik, who is our senior manager,</p> <p>11 would have been asking us to look at departments.</p> <p>12 Q. Okay. But you don't know for sure at</p> <p>13 this point, because you said it's ongoing. So you</p> <p>14 don't know if Patrik told you or not. Correct?</p> <p>15 MS. GRANT: Objection; form.</p> <p>16 Q. (By Mr. Bail) You can answer.</p> <p>17 A. Yeah. I mean, I don't know on -- if it</p> <p>18 was this specific date, he said to all the</p> <p>19 management team, Everybody look. I don't remember</p> <p>20 that.</p> <p>21 Q. You don't remember.</p> <p>22 A. No, I don't recall that.</p> <p>23 Q. But you do know that Bill Piatt was the</p> <p>24 one working on the audit duties and whether they</p> <p>25 were needed anymore or something to that extent?</p>	<p>1 A. I mean, the -- the text is similar to</p> <p>2 other -- the other document, but I don't know if</p> <p>3 I've --</p> <p>4 Q. Seen that one, specifically.</p> <p>5 A. I don't remember.</p> <p>6 Q. It's okay. We can move on.</p> <p>7 A. Okay.</p> <p>8 Q. Yeah.</p> <p>9 A. But the text is similar.</p> <p>10 Q. Similar to what?</p> <p>11 A. I think that -- one of the</p> <p>12 justifications in the other document.</p> <p>13 Q. Oh, okay.</p> <p>14 A. Or this -- wait. I thought it was in</p> <p>15 one of the other documents. I don't know.</p> <p>16 Q. That's all right.</p> <p>17 A. Okay.</p> <p>18 MR. BAIL: I just need, like, five</p> <p>19 minutes.</p> <p>20 MS. GRANT: Uh-huh.</p> <p>21 Q. (By Mr. Bail) Okay. Can you turn to</p> <p>22 page -- sorry -- Exhibit No. 3. And please take a</p> <p>23 look at this document and -- it's about three pages.</p> <p>24 Let me know when you're finished.</p> <p>25 (Document review.)</p>
Page 34	Page 36
<p>1 A. Yes.</p> <p>2 Q. Okay. And do you know who Toni Horton</p> <p>3 is?</p> <p>4 A. Yes.</p> <p>5 Q. She's HR. Right?</p> <p>6 A. Yes.</p> <p>7 Q. And you recall -- strike that.</p> <p>8 Do you recall working with Tony</p> <p>9 Horton on any matters dealing with Harriet?</p> <p>10 A. Yes, yes.</p> <p>11 Q. Can you explain to the Court the nature</p> <p>12 of those communications or your involvement with</p> <p>13 Ms. Horton regarding Harriet?</p> <p>14 A. When Linda Hubbard, who was the -- her</p> <p>15 predecessor left, I would have worked on any HR</p> <p>16 issues with Toni. I mean, Toni replaced Linda.</p> <p>17 Q. Oh, okay.</p> <p>18 A. So Linda left the office. She was not</p> <p>19 our HR support anymore, so I worked with Toni.</p> <p>20 Q. Okay. Did Toni ever sit in on you --</p> <p>21 with you and Harriet on any type of meetings?</p> <p>22 A. Probably.</p> <p>23 Q. Okay. Can you turn to Document No. 10?</p> <p>24 A. Okay.</p> <p>25 Q. Have you ever seen this document before?</p>	<p>1 A. Okay.</p> <p>2 Q. (By Mr. Bail) The first page, have you</p> <p>3 seen this, the email at the bottom before?</p> <p>4 A. The -- this is -- looks like the other</p> <p>5 document I just looked at.</p> <p>6 Q. It might. I mean -- yeah.</p> <p>7 A. Yeah. I mean, it's from me.</p> <p>8 Q. Right. As a lawyer, I have to -- I know</p> <p>9 these things --</p> <p>10 A. Okay.</p> <p>11 Q. -- but I have to identify them for --</p> <p>12 A. Okay.</p> <p>13 Q. So at the bottom of this Exhibit No. 3,</p> <p>14 do you see an email from yourself to Toni Horton?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So at the top of it, that email</p> <p>17 says "Toni, after checking with Patrik and Bill,</p> <p>18 here is the statement."</p> <p>19 So what did you discuss with Patrik</p> <p>20 and Bill regarding this statement?</p> <p>21 A. I don't remember what I discussed with</p> <p>22 them on the statement.</p> <p>23 Q. Okay. Can you go to the second to the</p> <p>24 last paragraph after the one-liner at the bottom?</p> <p>25 A. Yes.</p>

9 (Pages 33 to 36)

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Page 37	Page 39
<p>1 Q. It says "Four Telge Road employees are 2 currently trained to assist with audits. These 3 trainees have taken on this responsibility in 4 addition to their current workload. They are not 5 part of finance or quality." 6 What does that mean? 7 A. What that means is we have -- there were 8 a few admin, administrative support, people that had 9 done some audits. So I believe we had our front 10 desk receptionist, who was also doing audits. And 11 there was three other people that were doing audits. 12 Q. So those audit duties that Harriet was 13 doing before, these people were going to now do it? 14 A. I think they were already doing some 15 audits. 16 Q. Ah, okay. 17 A. Yes. 18 Q. Were you aware of Harriet training 19 certain -- any employees to do audits? 20 A. Possibly, yes. 21 Q. Okay. If you look -- turn to Page 3 of 22 this document at the bottom, it says "843." 23 Do you see at the top it says 24 "Internal auditing workload review"? 25 A. Yes.</p>	<p>1 of questions. 2 EXAMINATION 3 QUESTIONS BY ASHLEE GRANT: 4 Q. Ms. Wilson, my name is Ashlee Grant. 5 And I am Siemens Energy, Inc.'s attorney in this 6 matter. 7 I just want to have a couple of 8 follow-up questions with respect to some of the 9 questions you were asked today. 10 Counsel just recently asked you 11 about you relying on Bill Piatt's analysis in 12 Exhibit 3 with regards to the justification for 13 Harriet Lane. Do you recall that testimony? 14 A. Yes. 15 Q. Did you rely solely on Bill Piatt's 16 analysis and information when making that 17 justification? 18 A. No. 19 Q. What else did you rely on? 20 A. I mean, Bill and I worked together, but 21 there was other things that I knew that was going on 22 with the business, like the Springfield and other 23 things. So it was -- it wasn't just his analysis 24 and her current workload. 25 Q. And what are those other things, if you</p>
Page 38	Page 40
<p>1 Q. This was an attachment to this email? 2 A. Yes. 3 Q. You didn't create this document, did 4 you? 5 A. No, I did not create it. 6 Q. The person who created this document was 7 Bill Piatt. Correct? 8 A. Yes. 9 Q. But you relied on this, along with other 10 advice that Bill gave to you, making this email 11 here? 12 A. Yes. 13 Q. Yeah. The email I'm referring to is the 14 August 25th, 2017, email between Donna Wilson to 15 Toni Horton. 16 And it says "business 17 justification." What does that mean? 18 A. I don't know. I mean -- 19 Q. Does that mean business justification 20 for the termination of Harriet Lane? 21 A. Termination -- yes. This would be the 22 justification for the elimination of the position. 23 Q. Okay. Gotcha. 24 MR. BAIL: I pass the witness. 25 MS. GRANT: I've got just a couple</p>	<p>1 wouldn't mine elaborating, to the extent you can 2 recall? 3 A. I was aware of the Dresser-Rand 4 acquisition and the Dresser-Rand -- that they had 5 their own team of people that did some of those 6 audit functions. I was aware of the Springfield -- 7 us getting rid of Springfield and her primarily 8 supporting Springfield. 9 Q. And that information also went into your 10 recommendation to eliminate Ms. Harriet Lane's 11 position? 12 A. Yes. 13 Q. Did you have any reason to believe that 14 the information in Bill Piatt's analysis was false 15 or incorrect? 16 A. No. 17 Q. To your knowledge, was the analysis of 18 her position and the hours that she was spending 19 working correct? 20 A. Yes. 21 Q. And on what did you base that 22 determination? 23 A. Based on observing her and based on -- 24 based on this and observing her and how long it 25 would take for doing certain audits.</p>

10 (Pages 37 to 40)

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1 Q. Did anyone assume Harriet's position  
 2 after she was terminated?  
 3 A. No.  
 4 Q. To your knowledge, has anyone assumed  
 5 that position after she was terminated?  
 6 A. No.  
 7 Q. And I believe, as you recall, the  
 8 position was eliminated.  
 9 A. Yes.  
 10 Q. Were you aware that Harriet had made any  
 11 complaints that she was being discriminated or  
 12 harassed because of her race?  
 13 A. Yes.  
 14 Q. What was your understanding of her  
 15 complaints?  
 16 A. Just what you said, that she was being  
 17 discriminated against.  
 18 Q. When did -- was it discriminated against  
 19 or was it on a specific basis?  
 20 A. She made reference to it in some of our  
 21 meetings, but that was it. I mean -- that was it.  
 22 Q. And the reference to that, would that be  
 23 reflected in your notes --  
 24 A. Yes.  
 25 Q. -- on Exhibit 11?

Page 42

1 A. Oh, sorry. Yes.  
 2 Q. I have no further questions.  
 3 MR. BAIL: No questions. Thank you.  
 4 MS. GRANT: Thank you.  
 5 THE WITNESS: Thank you.  
 6  
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Page 43

1 CHANGES AND SIGNATURE  
 2 WITNESS NAME: DATE OF DEPOSITION:  
 3 DONNA WILSON FEBRUARY 6, 2020  
 4 PAGE LINE CHANGE REASON  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
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 9 \_\_\_\_\_  
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 24 \_\_\_\_\_  
 25 Job No. 18929

Page 44

1 I, DONNA WILSON, have read the foregoing  
 2 deposition and hereby affix my signature that same  
 3 is true and correct, except as noted herein.  
 4  
 5 \_\_\_\_\_  
 6 DONNA WILSON  
 7 STATE OF )  
 8 COUNTY OF )  
 9  
 10 BEFORE ME, \_\_\_\_\_, on this day  
 11 personally appeared DONNA WILSON, known to me  
 12 (proved to me on the oath of  
 13 \_\_\_\_\_ or through  
 14 \_\_\_\_\_ (description of identity  
 15 card or other document) to be the person whose name  
 16 is subscribed to the foregoing instrument and  
 17 acknowledged to me same was executed for the  
 18 purposes and consideration therein expressed.  
 19  
 20 Given under my hand and seal of office this \_\_\_\_\_  
 21 day of \_\_\_\_\_, \_\_\_\_\_.  
 22  
 23 \_\_\_\_\_  
 24 NOTARY PUBLIC IN AND FOR  
 25 THE STATE OF \_\_\_\_\_  
 Job No. 18929

11 (Pages 41 to 44)

DONNA WILSON - 2/6/2020

Page 45

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 HOUSTON DIVISION

4 HARRIET LANE, )

5 Plaintiff, )

6 VS. ) C.A. NO. 4:19-cv-00435

7 SIEMENS ENERGY, INC.; )

8 Defendant. )

9 REPORTER'S CERTIFICATION  
10 ORAL DEPOSITION OF  
11 DONNA WILSON  
12 FEBRUARY 6, 2020

13 I, MICHELLE R. PROPPS, Certified  
14 Shorthand Reporter in and for the State of Texas,  
15 hereby certify to the following:

16 That the witness, DONNA WILSON, was  
17 duly sworn by the officer and that the transcript of  
18 the oral deposition is a true record of the  
19 testimony given by the witness;

20 I further certify that pursuant to  
21 FRCP Rule 30 (f) (1) that the signature of the  
22 deponent:

23     X     was requested by the deponent  
24 or a party before the completion of the deposition  
25 and returned within 30 days from date of receipt of  
the transcript. If returned, the attached Changes

Page 46

1 and Signature Page contains any changes and the  
2 reasons therefor;

3            was not requested by the  
4 deponent or a party before the completion of the  
5 deposition.

6 I further certify that I am neither  
7 attorney nor counsel for, related to, nor employed  
8 by any of the parties to the action in which this  
9 testimony was taken. Further, I am not a relative  
10 or employee of any attorney of record in this cause,  
11 nor am I financially or otherwise interested in the  
12 outcome of the action.

13 Subscribed and sworn to on this the  
14 10th day of February, 2020.

15  
16  
17  
18  
19  
20 MICHELLE PROPPS, CSR  
Expiration Date 10-31-21  
Hanna & Hanna, Inc.  
21 Firm Registration No. 10434  
8582 Katy Freeway, Suite 105  
22 Houston, Texas 77024  
713.840.8484  
23 www.hannareporting.com  
24  
25

12 (Pages 45 to 46)

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